

1 **CAMDEN PLANNING BOARD**

2 **Minutes of Meeting**

3 **April 20, 2011**

4
5 **PRESENT:** Chair Chris MacLean; Members Richard Householder, Jan MacKinnon, Kerry
6 Sabanty and Lowrie Sargent; Alternate Member Sid Lindsley; CEO Steve Wilson and Select
7 Board Liaison Deb Dodge

8 **ABSENT:** Alternate Member Nancy McConnel
9

10 The meeting was called to order at 5:00 pm.
11

12 **1. PUBLIC COMMENT:**
13

14 Dorie Klein representing Friends of Ragged Mountain: Ms. Klein came to inform the Board that
15 the Legislature's Energy Committee is holding a Public Hearing on LD 1291: Resolve, To
16 Promote Community Wind Energy Development, on Monday, April 25th at 9:30 in the Cross
17 Office Building in Augusta. The concept is to create incentives for developing local community
18 wind projects by leasing State land located in Maine's State Parks to small wind developers.
19 There will be other legislative proposals regarding wind on the committee's agenda that same
20 day with hearings expected to last the entire day. Ms. Klein offered to report back to the Board
21 any items of interest.
22

23 Mr. Sargent mentioned that he had overheard a discussion about the attendance policy for
24 Thomaston's Planning Board: Thomaston has a policy of three meetings missed without a good
25 excuse and you're gone – similar to what Camden had discussed for their policy a while ago. It
26 was not known if Thomaston meets just once a month or twice, but that factor would make a
27 huge difference. Instead of specifically defining what is or is not an excused absence, Ms.
28 MacKinnon liked the idea that the Camden Board members would vote whether the absences in
29 question were excused or not, and if they were not, the Chair would speak to the member; if the
30 pattern of attendance did not improve, especially in the case of chronic absences, the member
31 would probably be asked to step down.
32

33 The Chair informed the Board that the attendance policy, as well as the "Letter to Prospective
34 Members" explaining the reasons for this policy and the level of commitment requested, have
35 been drafted and are ready for circulation and discussion. The Board had decided to implement
36 these changes beginning July 1st of this year, so they do need to work on these drafts in the near
37 future.
38

39 **2. MINUTES:**

40 February 16, 2011

41 Page 1: Line 48: The emails referenced as attached to these minutes were missing. They will be
42 attached to the Final version.

43 Page 2:

44 Line 37: The word "combing" was replaced with the word "combining"

45 Line 43: "parking is considered an accessory ~~lot~~ use".

46 Page 8: Line 23: "Mr. Ford is was asked what..."
47

48 **MOTION by Mr. Sabanty seconded by Mr. Lindsley to approve the Minutes of February**
49 **16, 2011 as amended.**

VOTE: 6-0-0

March 2, 2011

Page 2:

Line 45: “very many subdivisions...”

Line 48: A comma was inserted after the word “roads”

Page 3:

Line 15: “has been encouraging the ~~one entity that had been encouraging that~~ opposition...”

Line 31: “Board announced they are not going forward...”

Page 4: Line 17: The word “out” was replaced with the word “our”

Page 5: Line 43: Camden’s new Economic Development Director is Brian Hodges

Page 6: Line 3: The word “complete” was replaced by the word “completed”

MOTION by Mr. Householder seconded by Ms. MacKinnon to approve the Minutes of March 2, 2011 as corrected.

VOTE: 6-0-0

3. MAPLE GROVE SUBDIVISION

Pre-application Meeting

Pamela Spear: Map 229 Lot 5 and Map 230 Lot 9: Rural 2 District (RU-2): Simonton Road

Before beginning discussion on this Application, the Chair wants to make sure that they will be handling the matter correctly. This is the situation involving land in Rockport and in Camden that has been before them previously for a Waiver of Joint Review and for subdivision approval. State Law at 30A MRSA §4403(1-A) says: “All meetings and hearings (under this section) to review an application for or an amendment to a subdivision that crosses municipal boundaries must be held jointly by the reviewing authorities of each municipality.” “The reviewing authorities in each municipality, upon written agreement, may waive the requirement under this subsection for any joint meeting or hearing.” The Chair wants the Board to think this language through before they begin review. He has had the benefit of meeting with Town Attorney Bill Kelly; Mr. Wilson has met with Mr. Kelly several times; and Mr. Kelly has met with the Town of Rockport’s Attorney, Bill Plouffe – all to discuss the issue of joint review. They have said that the best way to handle the situation, although it may not answer the question of how to go forward this evening, is that it probably makes sense to have a joint Public Hearing. Evidence would be presented to both Camden and Rockport Planning Boards, but then each Board would handle all other meetings separately with the understanding that there will have to be separate plans signed by the separate boards at the end of the review process. Holding the voting and discussion separately provides the opportunity to deal with the differences in the two ordinances. He understands, however, that Rockport has not met to talk about any of this, and they do not have another meeting until May. The Statute says the meetings must be held jointly unless the two boards waive joint meetings; which would include, he believes, this evening’s pre-application meeting. It strikes him that unless a joint waiver in place, Rockport could decide they wanted to hold all meetings together, including this one, and Camden would have to comply with that request. The way he reads the Statute is that without a waiver everything has to happen jointly, and there is no waiver.

Mr. Wilson has spoken to Bill Kelly about the desire of Camden to invite Rockport to a meeting to discuss the Joint Review process. The language for the Joint Waiver agreement is being worked on by both towns’ attorneys, but the Rockport Planning Board hasn’t yet seen the

1 proposed language or commented on how they wish to proceed. Mr. Kelly warned that each
2 Town must provide proper notice to the public and to the abutters of any joint meeting where
3 waiving review would be discussed by the two towns; that has not been done.

4
5 Mr. MacLean stated that it may be that Rockport will waive all review, but this meeting tonight
6 cannot legally happen until this issue is resolved and a decision has been made. Ms. MacKinnon
7 agrees that it appears that the two Boards must meet at least once together to hear the evidence
8 and then decide whether or not to proceed jointly or separately. Mr. Householder was concerned
9 that if any joint meeting is held it should be stipulated that there must be a quorum of Rockport
10 Planning Board members present or the Public Hearing will not be able to go forward.

11
12 Mr. Sargent is concerned that any time any evidence is submitted outside of a Public Hearing
13 setting, that it must be before both Boards together; he sees information provided by the
14 Applicant during review as evidence and does not see how this can be done unless all meeting
15 are held jointly – not just Public Hearings.

16
17 Mr. Householder proposed that the CEO send a letter inviting the Rockport Board to Camden's
18 meeting on May 4 so the boards can jointly discuss the procedure that will be followed to move
19 the review forward; and then if the boards have reached an agreement, they can proceed to the
20 pre-application meeting at that time. There is a new plan available that shows all the property in
21 both towns that is ready to review, and he would like to have both attorneys present in case there
22 are questions about how to work with both ordinances at the same time. Mr. Wilson said that if
23 Rockport's Attorney cannot be present – he lives in Portland – the Town has the capability to
24 coordinate a conference call so he could participate by telephone; that offer will be included in
25 his letter.

26
27 The Applicant was represented by agent Mike Sabatini with Landmark Associates, the surveyor
28 of record for the project. He asked that the Board review his pre-application packet and look at
29 all the waivers that have been requested so they are familiar with the requests and his
30 justifications for the waivers before the review begins.

31
32 The Board asked Mr. Wilson to ask Mr. Kelly to clarify the term "evidence" as it related to Joint
33 Review: Exactly what kinds of testimony, statements, submissions, etc., are classified as
34 evidence that requires presentation to both Boards at the same time?

35 36 **4. DISCUSSION:**

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38 1. *Minor Field Adjustments:* There were none

39
40 *Site Plan Pre-applications:* There were none.

41
42 2. Attorney's Opinion:

43 *Can wind towers be reviewed under the Wireless Telecommunications Siting Ordinance, and are*
44 *cell towers exempt from the High Elevation Standards of the Zoning Ordinance*

45
46 Dorie Klein asked for an answer to this question at the last meeting; Mr. Kelly's opinion
47 is that there is no exemption from the High Elevation Standards that would permit cell
48 towers; and that wind towers cannot be reviewed under the Wireless Ordinance.

1
2 3. *Planning ahead, what issues do we wish to take up for the November Town Meeting:*
3

4 Mr. Wilson noted that there has been a new request for an amendment: Parking lots should be
5 redefined as a utility use instead of an accessory use so buildings cannot be cleared to create the
6 parking area. A question has also been raised along the same lines: If a building is moved to
7 make way for a utility use has it been destroyed or just relocated? He thinks it might be good to
8 address this last question.
9

10 There has also been interest expressed on several occasion in parking issues and signage –
11 especially sandwich boards; and there is the issue of fast food restaurants versus sit downs that
12 needs to be addressed.
13

14 Ms. MacKinnon noted that the Sign Sub-committee has already addressed sandwich boards –
15 they are not permitted. It was clarified that these signs on downtown sidewalks fall under the
16 Police Ordinance because they are believed to be a safety hazard; and because the sidewalks are
17 Town property, the Town has the authority to regulate what is allowed. Mr. MacLean thinks the
18 Board should consider simplifying and liberalizing some of the sign ordinances – like sandwich
19 boards on private property for example. There was some discussion about finding a way to
20 allow private owners to place directional signs off their own property to direct visitors to private
21 parking lots. Ms. Dodge suggested perhaps using parking fund monies to pay for directional
22 signs that the Town could place in the right-of-way. The purpose of the fund is to create/provide
23 parking spaces, and it would seem to fit within that purpose; Ms. Dodge did not see an obvious
24 reason this could not be allowed.
25

26 The CEO had prepared an updated list of Possible Ordinance Amendments and the Board
27 reviewed them:
28

29 #3: Demolition delay has been included in the Historic Architectural Review Ordinance for the
30 properties it covers; that may be sufficient.
31

32 7. Parking for seasonal seats: The Board would like to discuss finding a way to perhaps pro-rate
33 the seating requirements for outdoor season seating: the parking requirement for these seats
34 should not apply on a year-round basis. Mr. Wilson informed the Board that the new owners of
35 the Knox Mill properties are working with the Downtown Business Group to find a way to help
36 with the parking situation: perhaps spaces there can count toward parking requirements or serve
37 as employee parking. They seem to want to help encourage businesses overcome this hurdle.
38

39 8. Outdoor menus for snack bars, restaurants: These are the large menu boards that are currently
40 not permitted by the Ordinance, but are needed by the take-out restaurants that use them. There
41 should be a way to bring these places into compliance with the Ordinance, and permitting
42 oversize menu signs would be one way. The Board went through the list of the few
43 establishments in Town where this change would apply, and there were only a handful: the hot
44 dog stand on the public landing, Scott's Place, the take-out at Beloin's motel, the lunch cart on
45 Elm Street, and Scott's Place were those listed.
46

47 9. Combined fast food and sit down restaurants: Does the Board want to find a way to allow sit-
48 down restaurants to sell items from their menus for take-out (which they do already); and does
49 the Board want to find a way to allow restaurants with a combination of features like an ordering

1 counter, take-out food, and table service and china and silverware. How should this
2 establishment be classified for the purpose of seating capacity?
3 Many of the remaining items are housekeeping in nature.
4

5 Until the Board decides whether or not they will proceed with a Wind Ordinance, and until they
6 know how much time will be required of the Tannery project, they are not sure how many items
7 they can take on for November. One concern is that the Historic District Ordinance is very long,
8 and it may be wise not to send too much else forward at the same time to avoid confusing the
9 voter.
10

11 There being no further business before the Board they adjourned at 6:50 pm.
12

13 Respectfully submitted as transcribed,
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15 Jeanne Hollingsworth, Recording Secretary